

## **REMARKS**

Claims 1, 4-7, 9-17, 19, 21, 23, 25-36, 40, 41, 44-50, and 52-59 are pending and stand rejected. Claims 1, 31, and 52 are in independent form and have been amended. The specification, in particular the abstract, has been amended in accordance with the objection discussed below. Favorable reconsideration is requested.

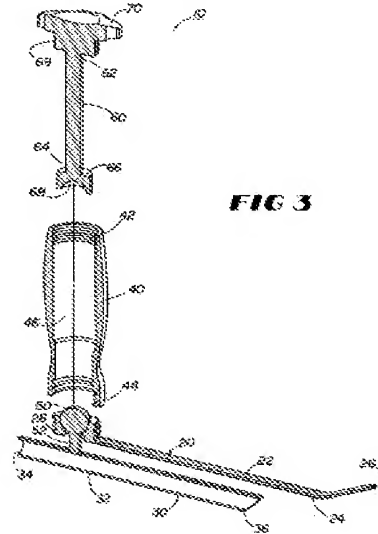
The Examiner objected to the abstract because the final two sentences allegedly contain improper language. Applicant has amended the abstract to delete these two sentences. It is believed this action obviates the objection, and Applicant respectfully requests its withdrawal.

### **Rejection of Claim 1:**

Independent claim 1 has been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,904,650 (“Wells”). Independent claim 1 has been amended to recite a surgical retractor comprising a handle, a first coupling mechanism, and a blade member. The handle has a longitudinal axis and proximal and distal ends. The first coupling mechanism is *coupled to* the proximal end of the handle, and comprises a knob having a bore. The knob is rotatable about the longitudinal axis of the handle. The blade member has a proximal end and a distal end and comprises a coupling element that is configured and dimensioned to be received in the bore of the knob. *Rotation of the knob in a first direction causes the coupling element to advance into the bore of the knob.* Wells does not disclose such a retractor.

In that regard, Wells discloses a retractor that “can be used in conjunction with an endoscope, in which [the] endoscope is movable to numerous positions within the body cavity (i.e., up and down, side to side, and a combination thereof relative to the blade) without moving the blade itself. (Wells at Col. 2, Ins. 42-47). As shown in FIG. 3 below, the retractor 10 of Wells, includes a receptacle 30, a blade 20, and a handle 40. (Id. at FIG. 3). The receptacle 30 includes a ball 50 connected to the receptacle 30 by a connecting member

52. (Id.). The connecting member 52 extends through an opening in the blade such that the receptacle 30 is on one side of the blade 20 and the ball 50 is on the other side of the blade 20. (Id.). The ball 50 also sits within a bore 46 of the handle 40. (Id.). The ball 50 and thereby the receptacle 30 are moveable about the blade 20. (Id.). If a user wants to prevent the ball 50 and receptacle 30 from moving, a user will rotate a tightener 70 at a bottom of the handle 40 thereby advancing a shaft 60 having a socket 66 up the bore 46 of the handle 40 until an interior surface 68 of the socket 66 abuts the ball 50. (Id.). The friction between the ball 50 and socket 66 prevents the receptacle 30 from moving. (Wells at Col. 5, lns. 29-65).



Applicant submits that Wells does not disclose the retractor claimed in claim 1. For example, unlike the retractor disclosed in Wells, Applicant's retractor has a coupling mechanism *coupled* to the proximal end of the handle. Additionally, in claim 1, the blade member comprises the coupling element that is configured and dimensioned to be received in the bore of the knob, and by rotating the knob in a first direction, the coupling element advances into the bore of the knob. In Wells, on the other hand, the receptacle 30 and not the blade 20 has the alleged coupling element. Furthermore, when the tightener 70 is rotated, the shaft 60 of the tightener 70 is advanced, not the alleged coupling element. Accordingly, Applicant respectfully submits that claim 1 is in condition for allowance. Applicant also submits that claims 4-7, 9-17, 19, 21, 23, 25-30, which ultimately depend from claim 1 are in condition for allowance.

**Rejection of Claim 31:**

Independent claim 31 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Wells in view of U.S. Patent No. 5,558,622 (“Greenberg”). Claim 31 has been amended to recite a method for treating bone, the method providing a surgical retractor that comprises a handle, a first coupling mechanism, and a blade. The handle has a longitudinal axis and proximal and distal ends. The first coupling mechanism is *coupled to* the proximal end of the handle and comprises a knob having a threaded axial bore. The knob is rotatable about the longitudinal axis of the handle. The blade member has a proximal end and a distal end and comprises a threaded coupling element that is configured and dimensioned to be received in the threaded axial bore of the knob. Neither Wells nor Greenberg teach or suggest a method providing such a surgical retractor.

While, Wells was cited by the Office Action as teaching a retractor as claimed in claim 31, Applicant disagrees with the Office Action and submits that Wells does not teach such a retractor. For example, unlike the retractor disclosed in Wells, Applicant’s retractor has a coupling mechanism *coupled to* the proximal end of the handle. Additionally, in claim 31, the coupling mechanism comprises a knob having a threaded axial bore, and the knob is rotatable about the longitudinal axis of the of the handle. Wells does not teach a retractor having such features. Accordingly, Applicant respectfully submits that claim 31 is in condition for allowance. Applicant also submits that claims 32-36, 40-41, and 44-50, which ultimately depend from claim 31 are in condition for allowance.

**Rejection of Claim 52:**

Independent claim 52 has been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Wells. Independent claim 52 recites surgical retractor comprising a handle, a first coupling mechanism, a second coupling mechanism, and a blade member. The handle has a longitudinal axis, a proximal end, a distal end and an opening. The first coupling mechanism is *coupled to* the proximal end of the handle and is rotatable about the

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longitudinal axis of the handle. The second coupling mechanism is proximate the proximal end of the handle, and includes a through-hole and at least a portion which is axially moveable within the opening of the handle. The through-hole is sized and configured to receive a surgical instrument. The blade member has a proximal end and a distal end. The blade member comprises a coupling element proximate the proximal end of the blade member, and is configured and dimensioned to connect with the first coupling mechanism.

Applicant submits that Wells does not disclose such a surgical retractor. For example, unlike the retractor disclosed in Wells, Applicant's retractor has a coupling mechanism *coupled* to the proximal end of the handle. Additionally, not only does Wells not disclose a second coupling mechanism, but it does not disclose a second coupling mechanism that axially movable within the opening of the handle. Accordingly, Applicant respectfully submits that claim 52 is in condition for allowance. Applicant also submits that claims 53-59, which ultimately depend from claim 52 are in condition for allowance.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application. Should the Examiner have any questions or comments concerning this submission, he is invited to call the undersigned at his convenience.

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